

N8B6AHMC

Criminal Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

23 CR 340 (VM)

5 SHAKEEB AHMED,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 August 11, 2023  
11:05 a.m.

Before:

10 HON. VICTOR MARRERO,

11 District Judge

12 APPEARANCES

13 DAMIAN WILLIAMS,

14 United States Attorney for the  
15 Southern District of New York

BY: DAVID FELTON

16 Assistant United States Attorney

17 VEDDER PRICE P.C.

Attorneys for Defendant

18 BY: ADAM L. SCHWARTZ

JUNAID A. ZUBAIRI

19 SAMUEL M. DEAU

1 (Case called)

2 THE COURT: This is a proceeding in the matter of  
3 *United States v. Ahmed*. It's Docket Number 23 CR 0340.

4 Counsel, please enter your appearances for the record.

5 MR. FELTON: Good morning, your Honor. AUSA  
6 David Felton, for the government.

7 MR. SCHWARTZ: Good morning, your Honor.  
8 Adam Schwartz. I'm joined by Junaid Zubairi and Samuel Deau,  
9 from Vedder Price, on behalf of the defendant Shakeeb Ahmed,  
10 who's present before the Court.

11 THE COURT: Good morning.

12 THE DEFENDANT: Good morning.

13 THE COURT: I scheduled this proceeding as the initial  
14 status conference on the matter following the guilty plea  
15 entered by the defendant on the two counts of indictment of  
16 July 11 and following his arraignment before Magistrate Judge  
17 Lehrburger on both counts.

18 MR. SCHWARTZ: Your Honor, just to clarify, the not  
19 guilty plea.

20 THE COURT: Sorry. I apologize. He pled not guilty  
21 on both counts on July 11 before Magistrate Judge Lehrburger.  
22 The government sought a protective order governing discovery in  
23 this matter, which was entered by the Court on July 31, 2023.

24 Mr. Felton, would the government bring the Court up to  
25 date on any other developments on the matter, in particular the

1 discovery schedule and any discussions that the parties may be  
2 involved in?

3 MR. FELTON: Certainly, your Honor.

4 With respect to discovery, earlier this morning, the  
5 government made a substantial – over 90-gigabyte production –  
6 of discovery materials. A large chunk of that is the Google  
7 search warrant return. It also produced search warrant  
8 applications, subpoena returns, law enforcement reports,  
9 various applications, and materials.

10 With respect to additional discovery, on the day of  
11 the arrest, there was a search warrant executed at the  
12 defendant's premises, and 27 electronic devices were seized  
13 pursuant to the warrant. The government has been able to image  
14 approximately 11 of those 27 devices, and is continuing to work  
15 to image the additional devices that it hasn't yet been able to  
16 image. As soon as the government receives the images of those  
17 devices, which it expects to do shortly, it will copy them and  
18 produce them to the defendant.

19 With respect to other discovery, there are a few  
20 additional law enforcement reports and subpoena returns that it  
21 intends to produce, as well as an image of the defendant's  
22 laptop from his former employer.

23 THE COURT: All right. Thank you.

24 While we're talking about discovery, let me return to  
25 a housekeeping matter concerning the compliance with Rule 5(f).

1 I direct the government to comply with its obligations  
2 under *Brady v. Maryland*, and its progeny, to disclose to the  
3 defendant all information, whether admissible or not, that is  
4 favorable to the defendant, material either to guilt or to  
5 punishment, and known to the prosecution.

6 Possible consequences for noncompliance may include  
7 dismissal of individual charges or the entire case, exclusion  
8 of evidence, and professional discipline or court sanctions on  
9 the attorneys responsible.

10 I will be entering a written order more fully  
11 describing this obligation and possible consequences of failing  
12 to meet it. And I direct the government to review and comply  
13 with that order.

14 Mr. Felton, does the government confirm that it  
15 understands this obligation and will fully comply with it?

16 MR. FELTON: Yes, your Honor. The government  
17 understands and will comply with the Court's order.

18 THE COURT: All right. Thank you.

19 Mr. Schwartz, does the defense have anything to add to  
20 what the government has indicated about the status of the  
21 matter?

22 MR. SCHWARTZ: No, your Honor. We spoke with the  
23 government yesterday, and given the size of the initial  
24 discovery – it's about 90 gigabytes that we received this  
25 morning – we think it's best just to get a sense of timing to

1 perhaps set another scheduling conference in October to advise  
2 the Court of where we stand, and then perhaps set certain  
3 deadlines for the matter as we'll then have a better sense of  
4 where we stand with respect to the review of discovery. We  
5 would hope at that time the government would be able to  
6 complete its discovery.

7 THE COURT: All right. Thank you.

8 Mr. Felton, is there a motion on that request?

9 MR. FELTON: Other than a Speedy Trial motion, no,  
10 your Honor. We agree with the defense, a conference in October  
11 makes sense given the substantial discovery produced this  
12 morning and that will continue to be produced up until that  
13 conference.

14 THE COURT: And your motion is?

15 MR. FELTON: Your Honor, we move to exclude time  
16 from today until October 20th under the Speedy Trial Act  
17 18 U.S.C. Section 3161(h)(7)(A). We respectfully submit such  
18 an exclusion would be in the interest of justice. This would  
19 allow the defendant time to review discovery, contemplate any  
20 motions, and for the parties to continue to discuss a potential  
21 pretrial resolution.

22 THE COURT: Thank you, Mr. Schwartz.

23 MR. SCHWARTZ: We have no objection, your Honor.

24 THE COURT: On the government's motion to exclude  
25 adjourned time from Speedy Trial calculations from today

1 through October 27, no objections recorded by the defendants,  
2 the motion is granted. I find that the reasons conveyed to the  
3 Court warrant an exclusion of time as it is intended to ensure  
4 the effectiveness of counsel and to prevent any miscarriage of  
5 justice. The Court is satisfied that the ends of justice  
6 served by the granting of this continuance outweigh the best  
7 interests of the public and the defendant in a speedy trial.

8 This order of exclusion of time is entered pursuant to  
9 the provisions of the Speedy Trial Act, Title 18, U.S.C.,  
10 Section 3161(h)(7)(B)(I) and (IV).

11 I misspoke before. The exclusion is through  
12 October 20, not 27.

13 Is there anything else from the parties?

14 Mr. Felton?

15 MR. FELTON: No, your Honor. Is there a time set for  
16 the conference on that date, or will it be a status report?

17 LAW CLERK: Does 2:00 o'clock work?

18 MR. FELTON: Yes, your Honor.

19 MR. SCHWARTZ: Yes, your Honor. Thank you.

20 THE COURT: 2:00 o'clock on the 20th of October.

21 If there's nothing else, I thank you. Have a good day  
22 and a good weekend.

23 (Adjourned)  
24  
25